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DIVINE DEALINGS

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"Lamah Nigarah?" "Why are we excluded?" (Bamidbar 9:7) The cry of those excluded from the first post-Egypt offering of the korban Pesach surely seems strange at first glance. They were in a state of uncleanness, and the Torah clearly forbids such as they to bring an offering. Moreover, the complainants clearly were not ignorant of the law here, since their very case is based upon a self-description as "unclean."

The Ohr HaChaim raises this problem in his powerful question of, "Did they expect Moshe to revise the Torah on their account?" At first glance, the agonized question of the *tamei l'nefesh* critique, strikes us as the application of a personal ethical criterion to Divine legislation. Is it not just another version of man saying to G-d that His laws strike us as unfair? It is not fair that we suffer for our impure state. Yet, isn't that the very notion of ritual impurity; that it is not rooted not in a rational notion of fairness but, rather, it strikes randomly here and there with the Almighty's supra rationalism, precluding its victims from participation in certain forms of Divine service.

Our surprise at the questioners' logic is compounded by Moshe's indulgence of their analysis. He does not tell them that their plunge into ritual uncleanness is a done-deal, their hopes for participation in the korban unrealizable and the matter worthy of no further thought. This approach, which would surely be our instinctive response to their demand, is not his. Moshe turns to G-d for an answer. What, indeed, he asks the Divine Legislator, are we to do with those who are unclean?

In addition, the Heavenly response is further puzzling, and if we ponder it with a bit more gravity, theologically troubling. Yes, Moshe is told. The plaintiffs' case is sound. I will now legislate a completely new holiday in order to satisfy their wishes. If this is the just response, why was it necessary to produce it via a complaint? Why couldn't the Torah in its first promulgation of Pesach tell us of this loophole? Why first upset those unclean souls and

have them bring their ethical lament to Moshe and, ultimately, the Divine Court?

Lastly, what are we to make of all this on a philosophical level? Is our personal unease with the Torah just cause for complaint? Haven't we always known that our sense of the unfair must submit before that of Torah legislation? Are their exceptions to submissiveness that are revealed to us in this parsha or is it a one-off event which, although legitimate in its circumscribed venue for whatever reason, is no longer to be applied to our navigation of Torah law in later generations? This is not simply a theoretical question or one devoid of import for us. Even were we to assume that the bringing of our ethical agony before the Divine Supreme Court, there to win reversal or, at least, an addendum to the preexisting corpus of revelation, can never be duplicated, we are nevertheless left with a similar question. To what degree, if any, should we allow our personal or communal deciphering of morality and truth to govern our response to Torah? Did Chazal ever do this? Does their legislation ever reflect a similar disquiet with the Divine Law? At root, may our view of the ethical, which surely alters as we travel through history, be brought to our understanding of and response to the Divine Legislation?

"Lamah Nigarah?" "Why should we be diminished?" This is a profoundly ethical argument. Why is the Law discriminating against us? We have done no moral wrong to merit our exclusion. And the answer, that would so easily roll off the lips of many today, that it is not a matter for subjective ethical musings, it is a question of a ritual reality, is not the one Moshe gave. G-d Himself tells those who questioned the law as it was then understood that on the basis of moral logic, that they are right and, in fact, is the new Law based upon their rationale.

The Seforno heightens the intensity of the argument of those *tamei l'nefesh*. He explains, "Since our *tumah* affects our ability to perform a commandment, why should that lead to a transgression?"

However, this simple rendering of the complaint was deemed insufficient by Rashi and others. He quotes a lengthy Sifrei which offers that the *tamei l'nefesh* were, in fact, offering a *lumdishe* solution. After Moshe had initially

rebuffed them by saying, "Sacrifices may not be offered by one who is in a state of impurity," they responded with a novel halachic solution. "Let the blood of the offering be thrown upon the altar for us by Kohanim who are pure and let the meat of our offerings be eaten by those who are pure." That is, they would become pure at night and be able to eat the korban then.

This richer portrayal of the *tamei l'nefesh* claim is rooted in the tradition of Chazal that their uncleanness was due to contact with a dead body. One opinion is that it was caused by contact with the Aron of Yoseph while the other view maintains that it was a body with no one to bury it. In any event, these traditions maintain that the people who were speaking were in the seventh and last day of their purification process on the fourteenth of Nissan, the very day that the korban Pesach is to be offered. Their logic was, as explained by the Mizrochi, in his commentary on Rashi, that although they were impure at the time of *zerikas hadom* (sprinkling of the blood), the offering should nevertheless be brought on their behalf, for they would become clean by the night of the fifteenth. A proof is brought for this theory since the pasuk reads "why should we be left out?" which implies that they thought they should be allowed to bring the offering, rather than "should we be left out or not?" which would have implied that they were in doubt.

This presentation of "Lamah Nigarah" as a creative halachic *shaila* transforms the question from that of simple ethics and justice as portrayed in Seforno. This approach of Rashi is followed by many other meforshim, including the Ohr HaChaim, who as we noted at the outset was most unwilling to see the question as an ethical assault rooted in a desire for, as he put it, a "Torah Chadasha" from the Almighty. Among his explanations of the halachic basis of the query, he notes that since *tumah* becomes permitted when the majority of the *tzibbur* is unclean, the *tamei l'nefesh* felt that doing a mitzvah was, at least, the halachic equivalent of mass *tumah* and should be permitted. Alternatively, he suggests, that they were requesting a grace period to bring the korban after Pesach, just as "certain private offerings (*chagigos*) which should preferably be brought at the beginning of pilgrimage festivals, may be offered during the seven days commencing with the first day of the festival in question."

The question now before us is, whether the plea of *tamei l'nefesh* was based upon a simple sense of unfairness or was it sense of unfairness, albeit, rooted in a halachic foundation?

And the concomitant question was Moshe's doubt and his bringing of the inquiry to G-d formed in simple ethics or, ethics generated by a halachic misgiving?

Rabbeinu Bechaya may help us clarify this matter a bit. He says that the fact that Moshe Rabbeinu brought the demand of Bnos Tzelofchad to a portion of their father's inheritance to Hashem was caused by a prior misdeed, the fact that Moshe had wanted "all difficult cases of *mishpat*" to be judged by him and not his surrogates. Thus, what he should have known himself was subsequently hidden from him. This is not the case with the *tamei l'nefesh* for there is no indication that Moshe's inability to answer or his recourse to Hashem was the result of or, created by any misdeed. What is the distinction between these two questions? According to Rabbeinu Bechaya, Moshe should have understood on his own the justice of the Bnos Tzelofchod's complaint for, as he puts it, "even those nations who have no Torah derive from their own wisdom the fact that daughters inherit their father when there is no son." On the other hand, Moshe had no way of knowing logically that "those unclean could bring their offering in another month without a tradition."

We see here a novel concept: in areas where the ethical is overwhelmingly obvious (Bnos Tzelofchad) Moshe should not have had to ask Hashem. He was condemned to ask because of a weakness in his person. If all were well he could have, indeed, should have done what was ethically right on his own. Here though in the case of *tamei l'nefesh* it is not totally clear that some allowance would or, should have been made for those in an unclean state. Therefore, Moshe should have asked and there was no punishment for his having done so.

What emerges now are several levels of interaction between the ethical and ritual reality. Where the ethical claim is clear and there is no explicit contradiction with meta-ritualistic reality then there is no need for further clarification. Where the ethical claim conflicts with what is ritually known up until that point in his-tory, then according to Seforno this alone might suffice to generate a legitimate query of Hashem, but, according to Rashi and others it must have an accompanying halachic component to allow its launch to the Heavenly Court. For those who may struggle from time to time with aspects of Torah and Halacha that may seem in conflict with a certain sense of the ethical or the just that we may possess, there may be a semblance of *hadracha* here. Yes, we are allowed to seek that which we perceive to be the ethical but without a halachic frame of reference, we may not assault the structure of ritual law. Man has certain innate insights into the good and may even trust them as in the case of the Bnos Tzelofchad; but when there is no way out of the halachic thicket without tearing it, then we must remain within, however painful its thorns may prove to be.

THE DOUGHNUT EATING STAGE

Asher Finkelstein

Some of the strangest *pesukim* in this week's Parsha are found when the people start getting hungry. First, the *riffraff*, or the *asafsuf*, "desire a desire". That's already pretty strange. Then they say, "Who will feed us meat?" After requesting meat, they go on to wistfully reminisce about the fish, cucumbers, melons, leeks, onions, and garlic they used to eat in Egypt. This is a bit odd- aren't they supposed to be complaining about meat? Furthermore, why are they complaining about meat altogether considering the fact that according to the Midrash, the *man* which the Jews ate in desert could taste like anything one wanted it to?

The Mesamchei Lev answers all three questions with one brilliant suggestion. The *man* could taste like any food whose taste you could conjure up in your memory. Therefore, it could taste like any food you had already tasted in the past. However, it could not taste like a food that one had merely heard about. Therefore, the Jewish people include in their complaint about meat a list of all the foods they used to eat in Egypt. "We used to eat fish and many vegetables", they were saying, "But as slaves, we never got to eat meat." Therefore, they were not currently able to conjure up the taste of meat and experience it in their *man*, which is why they now "desired desire". They wanted to be fed real meat once so that they could crave it, desire it, and remember its taste in the future, thereby allowing them to taste it in the *man*.

Now that we have explored a few of the more minor questions on this passage, we are better equipped to dive into a far deeper issue which is at play here as well. People often think of the various stories of the complainers and wannabe carnivores in this Parsha as a phenomenon that would have developed late in into the forty years of wandering in the desert. Viewed this way, it is rather easy to sympathize with them. Imagine going thirty years without meat with another decade of the same looming in the future. However, if the stories in this Parsha are viewed as having occurred in their exact place in the Biblical narrative, then this happened before the spies were ever sent and well before the forty years of wandering were decreed. They were supposed to get to Israel soon; couldn't they have a little patience? Furthermore, the nature of the Jews' complaint about all the delectable produce they used to consume in Egypt is a little disturbing. They do not suffice with a general statement about fresh food or even with a few examples but rather enumerate a full six examples! One can almost picture the weary, salivating

faces from which this long list emerged.

Clearly, this was not just about some people getting a little hungry. There was a much more fundamental issue at stake here (pun intended). In fact, the stories of the complainers represent a seismic shift in the mentality of the Jewish people. The gravity and enormity of this shift is signified by the two *pesukim* bracketed by upside-down *nuns* which come immediately before the stories of the complainers. So what exactly was this shift? Rav Hirsch points us to the word that the Torah uses to describe the first set of complainers to identify the roots of their discontent. The Torah calls them "*misonenim*"- a word which contains the word "*onen*"- which connotes the acute state of mourning before the body of a loved one is buried. The Jewish people here were mourning for themselves! In the desert, the Jews had been living in a tremendously spiritual state. Isolated from worldly concerns and occupations, they were literally engulfed by the Divine. The Jews accurately described this state as one resembling the afterlife. This was a paradise which they quickly grew tired of. They wished to return to "life"; to physicality, sensuality, and the like.

Historians have pointed out that the rise and fall of nations often follows a set pattern. A heroic era gives birth to the civilization which eventually grows the pinnacle of its achievement. But then, when people decide they are ready to hunker down and simply enjoy the fruits of their great civilization, a period of decadence and decline sets in, ultimately spelling the end of that particular civilization. Some have suggested that America is currently on the verge of entering that final period as we continue to collectively sit on the couch and eat doughnuts, both literally and figuratively. As the eternal people, the Jews are destined to avoid that fatal cycle, and G-d has always ensured that. However, in this Parsha, we came close to it. After the remarkable exodus from Egypt and the unparalleled revelation at Har Sinai, many members of the Jewish people decided it was time to sit back, relax, eat doughnuts, and live life to its fullest. A crunchy cucumber, a juicy melon, a sharp onion, these are things of true importance. Thankfully, G-d made it clear that this cannot be how we operate and that our work in this world and our responsibility to G-d will always continue. Although the pleasures of this world may be partaken of, they can never become the focus. The Jewish people will always remain camped around G-d, so to speak, as they were in the desert so long ago.

INGRATITUDE AND REPENTANCE

Yisrael Friedenberg

This week's Parasha includes the tragic incident of

the complaint of the Jewish people and the plague that ensued. To summarize: the Jews complained to Moshe that they'd had enough of the *man* and that they needed meat. Moshe presented their complaint to Hashem who responded that He would give them meat. Hashem sent the *slav*, quail, and all those who ate from the quail died.

In their complaint, the Jewish people say as follows:

“ועתה נפשנו יבשה אין כל”

“But now, our bodies are dried out, for there is nothing at all”

This is a shocking statement, as we are told of the *man* that it was a miraculous food. Not only did it satiate, but it also required no preparation and it tasted like anything that the eater desired to eat. Rabbi Mordechai Gifter notes that this is telling of the nature of the desires of the human being. If a person cannot obtain everything that he desires he is dissatisfied. He loses his ability to appreciate the good he has received and can only see what he lacks. The antidote of this, of course, is one making an effort to be happy with what he has, as stated in Pirkei Avos:

“איזה הוא עשיר-השמח בחלקו”

“Who is the wealthy man? It is he who is happy with that which he has.”

This is evident later as well. Later on in this segment, after Hashem ensures Moshe that He will provide the Jewish people with one full month's worth of meat, Moshe questions Hashem, asking how it is possible that the Jewish people will get enough meat. This is shocking: why did Moshe not have a greater faith that Hashem would be able to provide?

The Seforno answers that Moshe was not, in fact, questioning Hashem's ability to produce an adequate amount of meat; he acknowledged the fact that Hashem could do it. Moshe's concern, though, was that even if Hashem gave the people meat for a month, they would continue to complain afterward, that no amount of meat would be enough to them.

The Da'as Zekeinim MiBa'alei Tosafos gives an alternative explanation of Moshe's question. In that period of time, any meat that was to be eaten needed to be brought to the Mishkan as a sacrifice, and only then could it be eaten. We can estimate that there were approximately 3.5 million Jews. The only Kohanim, at the time, were Aharon and his two sons Elazar and Isamar. Moshe's question, therefore, was: how can these three men possibly slaughter so many animals? This would be simply impossible! Hashem, therefore, provided birds, which may be slaughtered as sacrifices by anyone, not only a Kohen.

When Hashem gives His response to Moshe, He says to tell the people: “Prepare yourselves for tomorrow and you shall eat meat.” Why, asks the Or HaChaim, did Hashem not provide them with meat immediately? Why did He wait until the next day? The Or HaChaim answers that Hashem wanted to give the Jewish people an opportunity to repent, and, therefore, He waited one day to give them the meat so that they would have time to reconsider their actions. This is a truly crucial idea in Judaism. The Missilas Yesharim says that the entire concept of *teshuvah*, repentance, only exists because of Hashem's great mercy. In truth, we should be immediately punished for any misdeed; Hashem, thought, is merciful, and He allows us an opportunity to correct our wrongs. The challenge truly is ours, to see this act of Divine Mercy and to take full advantage of it.

MOSHE'S UNIQUE QUALITIES

Yishai Eisenberg

“אל נא רפא נא לה” (במדבר י"ב:ג)

Towards the end of this parsha, we find an enigmatic story: Miriam seems to speak lashon hara about Moshe, she is stricken with *tzaraas*, Aharon asks Moshe for forgiveness, and Moshe prays for Miriam.

Moshe here is being maligned by his sister, but comes to her defense anyway when she is stricken. This can show us much about Moshe's personality. He cares very little for himself, not thinking he is too important, and is pained by the pain of others. This is one of the unique things about Moshe that made him such a great leader.

Moshe's selflessness and dedication to the people for whom he was responsible can be seen in another place in this parsha. When, according to the Gemara in Sanhedrin (Daf Yud Zayin Amud Aleph) Eldad and Meidad prophesized that Moshe would die and Yehoshua would become the new leader, and Moshe was informed of this by the *Naar*, the lad, he did not say anything to defend his honor. Moreover, when Yehoshua himself requested that Eldad and Meidad be imprisoned, Moshe responded that Yehoshua did not need to be zealous for Moshe's honor, and that he, Moshe, wished that all of Bnei Yisrael would become *neviim*. Moshe's not caring for his own honor and his wishing well for the nation, that one day they would all be at such a high level of spirituality, shows his strong feeling of love and caring for his people over caring for himself. He does not care about the respect he gets for the *nevua*, rather for what being on the level of *nevua* means. Moshe's overall integrity and altruism can serve as a paradigm for great leaders to follow.